



Department of Energy

**Ohio Field Office
Miamisburg Environmental Management Project
P.O. Box 66
Miamisburg, Ohio 45343-0066**

SEP 19 2000

MB-0647-2000


Mr. Tom McCulloch
Advisory Council on Historic Preservation
1100 Pennsylvania Ave., N. W., Suite 809
Washington, D. C. 20004

Dear Mr. McCulloch:

In meeting responsibilities under section 106 of the National Historic Preservation Act, please find enclosed the final Memorandum of Agreement signed by the Department of Energy, Miamisburg Environmental Management Project Office.

Should you have any questions please contact me at (937)865-3252 or Paul Lucas, of my staff, at (937)865-4578.

Sincerely,


Richard B. Provencher
Director

Enclosure

cc w/encl.:

S. Baker, BWXTO
M. Grauwelman, MMCIC
D. Sanford, NPS
S. Davies, OHPO
L. Watkins, MEMP

cc w/o encl.:

I. Brown, OH
R. Holland, OH
R. Tormey, OH
D. Eckman, MEMP
P. Lucas, MEMP

**Advisory
Council On
Historic
Preservation**

Lucas

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

OCT 18 2000

Mr. Richard B. Provencher
Director
Ohio Field Office
Miamisburg Environmental Management Office
P.O. Box 66
Miamisburg, OH 45343-0066

REF: Mound Plant Disposition of 17 historic buildings

Dear Mr. Provencher

Enclosed is the executed Memorandum of Agreement for the referenced project. By carrying out the terms of the Agreement, you will have fulfilled your responsibilities under Section 106 of the National Historic Preservation Act and the Council's regulations.

We appreciate your cooperation in reaching this Agreement. If you have any questions, please call Dr. Tom McCulloch at 202-606-8554.

Sincerely,



Don L. Klima
Director
Office of Planning and Review

Enclosure

MIAMISBURG
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MEMORANDUM OF AGREEMENT
BETWEEN
THE UNITED STATES DEPARTMENT OF ENERGY (DOE)
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)
REGARDING THE DISPOSITION OF THE MOUND PLANT

WHEREAS, the Department of Energy (DOE) is planning to phase out all weapons production and surveillance operations at the Mound Plant (the plant); and

WHEREAS, the DOE is currently engaged in an Environmental Restoration Program at the plant, including but not limited to, decontamination and/or demolition of structures as necessary to protect human health and the environment; and

WHEREAS, the DOE, in consultation with the Ohio Historic Preservation Office(OHPO), and the Advisory Council on Historic Preservation(ACHP), has determined that the plant is eligible for the National Register of Historic Places and that the original 17 buildings are contributing resources of the property due to their association with the early development of nuclear weapons and nuclear power; and

WHEREAS, the DOE, in consultation with the OHPO and the ACHP, has determined that the decontamination and/or demolition activities will have an adverse effect on the plant, in accordance with the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR 800);

WHEREAS, consulting parties DOE, OHPO and the Miamisburg Mound Community Improvement Corporation could not agree to terms for T building mitigation resulting in termination of consultation.

NOW, THEREFORE, the DOE and ACHP agree that DOE's decision to proceed with the decontamination and decommissioning of this property shall be implemented in accordance with the following stipulations in order to take into account the effects of the sale on historic properties; the DOE and ACHP agree that implementation of the following stipulations constitutes mitigation of the adverse effects.

STIPULATIONS:

DOE will ensure that the following measures are implemented.

I. DOCUMENTATION

- A) DOE shall prepare a general history documentation package that will include an overview history report, site plans of the complex and photographs of general views. This package will reference the individual building packages described in I. B and I. C and will be submitted for inclusion in both the OHPO archives and the Library of Congress. The DOE shall also prepare a general history video which will be for inclusion in the OHPO archives.
- B) For Buildings B, E, HH, I, M, R and T, that were early polonium development or production operations buildings and are scheduled to be demolished or transferred, DOE shall record these buildings with HABS Level II written narrative in outline format. These building packages will be submitted for inclusion in both the OHPO archives and the Library of Congress.
- C) For Buildings A, C, G, GH, P, PH, H, SD, W and WD that are to be transferred or demolished and the building was not directly associated with early polonium development or production operations, the DOE shall prepare a documentation package for each building. Each package will include color photographs of the front, rear and side elevation, floor-plans, a physical description of the building and a description of its historic function within the plant. These packages will be submitted for inclusion in the OHPO archives.

III. Amendment

Any party to this Memorandum of Agreement may propose to other parties that it be amended, whereupon the parties will consult in accordance with 36 CFR 800.6(c)(7) to consider such an amendment.

IV. Dispute Resolution

Should any signatory object to any of the stipulations, provisions or requirements of the MOA, that party should present those objections within 30 days from the date those objections arise. The parties shall consult to seek to resolve the objection.

In the event that the parties are unable to resolve the objection, the parties shall follow the procedures outlined in 36 CFR 800.7. The DOE's responsibility to carry out all actions under this MOA that are not the subject of a dispute will remain unchanged. Any Council comment provided in response to any notification under 36 CFR 800.7 shall be taken into account by DOE as required by the aforesaid section. Since the Council is a consulting party, its execution of the MOA, or any amendments thereto, serve as the Council's comment.

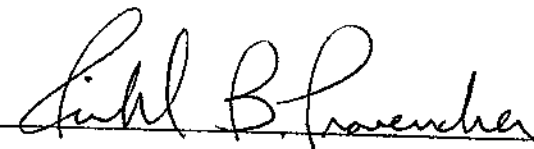
V. Termination

Either DOE or ACHP may propose to the other party that this Memorandum of Agreement be terminated. The party proposing termination of this agreement shall so notify the other party, explaining the reasons for termination, and affording at least 30 days to consult and seek alternatives to termination.

VI. Monitoring

If the terms of this MOA have not been implemented by September 30, 2006, this MOA shall be considered null and void. In such event, the DOE shall notify the parties to this MOA, and if it chooses to continue with the federal property transfer, decontamination, or demolition, shall re-initiate review of the undertaking, in accordance with 36 CFR Part 800.

The execution of this Memorandum of Agreement and carrying out its terms evidence that the DOE has afforded the Advisory Council on Historic Preservation an opportunity to comment on the undertaking and has taken into account the effects of the undertaking on historic properties.

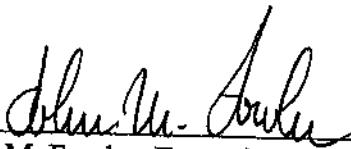


Richard B. Provencher, Director
Miamisburg Environmental Management Project

9/18/00

Date

Accepted by:



John M. Fowler, Executive Director
Advisory Council on Historic Preservation

10/17/00

Date